

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1-8. (canceled)

9. (currently amended) A method for detecting viable cells, comprising providing a sample containing cells, contacting said sample with a dye that diffuses or is transported into said cells and wherein said dye is detectably altered by enzymatic activity of a viable cell containing said dye, thereby ~~indicating~~detecting viable cells in ~~the~~a sample.

10. (original) The method of claim 9, wherein said cells are bacteria.

11. (original) The method of claim 9, wherein said cells are yeast.

12. (currently amended) The method of claim 9, wherein ^a~~the~~said total cell count of viable and non-viable cells is determined by a method selected from the group consisting of native UV (ultra-violet) absorption, turbidity testing, hemacytometer measurements, fluorescence, and dye exclusion.

13. (Original) The method of claim 12, wherein said total cell count is determined by UV absorption.

14. (original) The method of claim 9, wherein the enzymatic activity is esterase activity.

15. (currently amended) The method of claim 9, wherein said enzymatically altered dye or molecule comprises fluorescein diacetate or OREGON GREEN™ (2',7'-difluorofluorescein).

16. (currently amended) The method of claim 9, wherein detection is performed by a ~~fluorometer~~fluorometer.

17. (currently amended) A method for quantitating viable cells [in a sample], comprising providing a sample containing said cells, contacting said cells with molecule or dye that is detectably altered by enzymatic activity of a viable cell, detecting ~~enzymatically~~enzymatically altered dye or molecule, thereby indicating the viability of ~~detecting the number of~~ viable cells in ~~said~~the sample and obtaining a value therefrom indicating the relative number of viable cells to non-viable cells, and correlating the detected viable cell value with a standard value, thereby quantitating the viable cells in said sample.

18. (original) The method of claim 17, wherein said cells are bacteria.

19. (original) The method of claim 17, wherein said cells are yeast.

20. (currently amended) The method of claim 17, wherein ~~the~~said total cell count of viable and non-viable cells is determined by a method selected from the group consisting of native UV absorption, turbidity testing, hemacytometer measurements, fluorescence, and dye exclusion.

21. (Original) The method of claim 20, wherein said total cell count is determined by UV absorption.

22. (original) The method of claim 17, wherein the enzymatic activity is esterase activity.

23. (currently amended) The method of claim 17, wherein said enzymatically altered dye or molecule comprises fluorescein diacetate or OREGON GREEN™ (2',7'-difluorofluorescein).

24. (original) The method of claim 17, wherein detection is performed by a fluorometer.

25 and 26. (canceled)

27. (currently amended) A kit for quantifying yeast or bacteria, comprising a cell suspension solution, a cell penetrating dye, and instructions for carrying out the method for detecting dye that correlates to hemocytometer counts, plate counts or other methods of counting viable cells.

28. (currently amended) The kit of claim 27, wherein said dye is a dye that is enzymatically and detectably altered following penetration into of viable cells.

29-33. (canceled)
